

Minister disturbed by fishing interdict

Agriculture, Forestry and Fisheries Minister Senzeni Zokwana says he is perturbed by the apparent unlawfulness of a court interdict granted in respect of Fishing Rights Allocation Process (FRAP).



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Briefing the media on Friday in Cape Town, the Minister said the Western Cape High Court granted part of an urgent interdict application, which was applied for by Viking Inshore Fishing (Pty) Ltd, which suspends all fishing in the R300 million per year hake inshore trawl and sole fishery.

“In total, 27 right holders have been stopped from undertaking commercial fishing of hake and sole until such time as the full review application is heard and decided. This could be months away,” he said.

The minister said the order denies his legal right and obligation as the Minister to decide any appeals that may be filed in terms of the provisions of the Marine Living Resources Act, 18 of 1998.

The Minister said Viking Inshore Fishing should have first exhausted the internal appeal remedy.

“We have not received and are still waiting for the written judgement which was requested by our lawyers the same date the

court order was issued. The urgent interim interdict application ought to have been refused by the court.”

Minister Zokwana said he is urgently consulting his legal team to determine the most appropriate way forward, including a review of the court order given the legal and practical concerns raised.

The Minister said this is damaging the empowerment of medium-sized black-owned businesses who have been granted rights in this fishery, and who were expected to commence fishing immediately.

The Minister said a number of medium-sized black empowered companies in the sector are substantially or exclusively reliant on hake inshore trawling for their incomes. They now face an entirely uncertain and possibly financial crippling future.

Compliance with court order

The Minister said the department’s Fisheries Management Branch have acted in immediate compliance with the court order by halting the processing and issuing of all hake inshore trawl fishing permits.

“No permit authorising fishing will be issued and accordingly, no hake inshore trawl and sole fishing has commenced.”

He said the department will communicate with right holders should the court order be reviewed, and they will be kept abreast of all developments regarding the matter.

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